



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : JAMES R. KITTRELL Docket No.: 00-625
Serial No.: 09/684,173 Examiner : T. T. Tran
Filed : October 6, 2000 Art Unit : 1711
For : TWO STAGE PROCESS AND APPARATUS
FOR PHOTOCATALYTIC AND CATALYTIC
CONVERSION OF CONTAMINANTS

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REQUEST FOR RECONSIDERATION

Hon. Commissioner of Patents and Trademarks
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

In response to the final rejection dated July 23, 2002,
Applicant respectfully requests the Examiner to reconsider her
rejection for the reasons set forth hereinbelow.

Initially the undersigned would like to thank Examiner Tran
for the courtesies extended during an oral hearing held with the
undersigned on September 16, 2002. During the above noted oral
hearing the outstanding official action was discussed in detail;
however, agreement was not reached as to the allowability of the
claims as pending. Examiner Tran indicated that she would like
to reconsider her rejection upon receiving a formal request for
reconsideration.

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It is respectfully submitted that claims 27 and 28 as pending patentably define over the art of record. Independent claim 27 calls for a catalyst which comprises silica, titania, tungsten oxide and one of platinum, palladium and mixtures thereof. The Examiner in her rejection under 35 U.S.C. 103 applies the Kano '391 patent as the primary reference in combination with the Chopin et al. '289 patent. In her rejection the Examiner states correctly that the primary reference, the '391 patent, does not teach a catalyst comprising platinum or palladium. The Kano patent teaches a catalyst comprising titania, silica and tungsten oxide. In an effort to cure the deficiencies of the primary reference, the Examiner cites the secondary reference to Chopin et al, U.S. patent 6,037,289. The Examiner states the following:

"Chopin teaches a catalyst, comprising silica, titania, tungsten oxide, and platinum; wherein the mass of platinum with respect to that of titania is between 0.01 to 5% (see col. 3, ln. 10-22; col. 4, ln. 40-61)."

The Examiner's statement as set forth above is erroneous and belies a fair reading of the '289 patent.

As clearly set forth in column 4 of the '289 patent starting on line 33, Chopin et al. discloses four alternative forms of a catalyst wherein titanium dioxide is coated.

Specific attention is drawn to column 4, line 40-53. In this portion of the '289 patent it is clearly set forth that one alternative form is titanium dioxide covered with tungsten and an alternative form is titanium dioxide layered with platinum. No where in the '289 patent is there a teaching of titania, tungsten oxide and platinum in the same catalyst composition. (Note that the '289 patent teaches a silicon matrix for the titanium dioxide particles, see column 3, lines 10-22). Thus, at best, the '289 patent discloses an equivalence between titanium dioxide coated with tungsten and titanium dioxide coated with platinum. Taking the fair teaching of the '289 patent as a secondary reference and applying that teaching into the primary reference, one would be led only to substituting platinum for the tungsten in the '391 patent and thus would not result in a catalyst as claimed in independent claim 27. It is clear that the Examiner's statement regarding the Chopin et al. patent is wrong. The Chopin et al. patent does not teach a catalyst comprising silica, titania, tungsten oxide and platinum. In light of the foregoing, it is respectfully submitted that the Examiner's rejection should be withdrawn.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would

be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on September 20, 2002

(Date of Deposit)

Rachel Piscitelli

Name and Reg. No. of Attorney

Rachel Piscitelli

signature

September 20, 2002

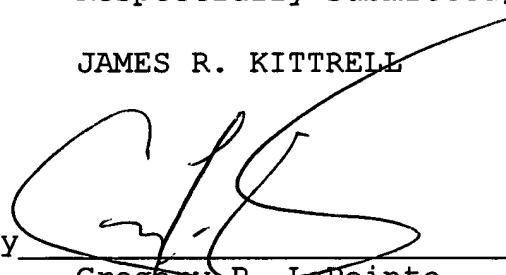
Date of Signature

Date: September 20, 2002

Respectfully submitted,

JAMES R. KITTRELL

By


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